IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION No. 20 Of 2000

Menash J. Mazgaonkar .. Petitioner

versus

Mrs.Sunita V. Kulkarni & Ors. .. Respondents

...

Mr.Kishore Jain i/b Bhaishankar Kanga & Girdharlal for the applicant.

Mr.N.V. Walavalkar with Mr.H.T. Pawar for the respondent no.1.

Mr.S.D. Raje for the respondent no.2.

CORAM : B.H. MARLAPALLE,J

DATED : 30th August 2005.

P.C.:

1. Heard Mr.Jain, the learned counsel for the petitioner - original defendant, Mr.Walavalkar with Mr.Pawar for the respondent no.1 and Mr.Raje for the respondent no.2.

2. The defendants in L.C. Suit No. 7925 of 1992 had raised the issue of pecuniary jurisdiction of the City Civil Court to entertain and try the said suit and by the impugned order dated 25.10.1999, the

said issue has been held in favour of the plaintiffs. The challenge to the said order need not be examined at this belated stage while hearing the Revision Application for admission after about six years and more so, both the parties have expressed their desire to continue their negotiations for an amicable settlement of the disputes arising in the pending suit.

3. Civil Revision Application is therefore disposed of with liberty to the defendant petitioner to submit an application u/s.8 of the Bombay Court Fees Act 1959 for proper valuation before the trial court and if such an application is submitted within a period of eight weeks from today, it shall be heard and decided on its own merits and without being influenced by any observations made in the impugned order dated 25.10.1999. It is also clarified that this disposal of the Civil Revision Application would not come in the way of the parties to continue their negotiations for an amicable settlement.

B.H. MARLAPALLE, J